

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

KIENDAL R. TOOTLE,

Petitioner,

v.

LAWRENCE WHITTINGTON,

Respondent.

CIVIL ACTION NO.: 6:21-cv-35

ORDER

After a careful *de novo* review of the entire record in this case, the Court concurs with the Magistrate Judge's June 29, 2021 Report and Recommendation, to which the petitioner did not file objections. Accordingly, the Court **ADOPTS** the Report and Recommendation, (doc. 6), as the opinion of the Court and **DISMISSES** Petitioner's Petition for Writ of Habeas Corpus, (doc. 1). Applying the Certificate of Appealability (COA) standards, which are set forth in *Brown v. United States*, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); *see Alexander v. Johnson*, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). Thus, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Therefore, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3). The Court **DIRECTS** the Clerk of Court to close this case.

SO ORDERED, this 1st day of September, 2021.

A handwritten signature in blue ink, appearing to read "R. Stan Baker", is written over a horizontal line.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA